

THE HON'BLE SRI JUSTICE M. SATYANARAYANA MURTHY

CRIMINAL PETITION No.5280 OF 2018

ORDER:

This criminal petition is filed under Section 482 of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') to quash the proceedings in C.C.No.466 of 2017 pending on the file of Judicial Magistrate of First class, Markapur, on various grounds.

During hearing, learned counsel for the petitioner requested this Court to dispense with the personal appearance of the petitioner, leaving it open to the petitioner to raise all legal or factual contentions before the learned Magistrate.

The request of the counsel for the petitioner cannot be accepted by this Court, since it is for the learned Magistrate to decide whether the personal appearance of the petitioner is necessary or not in such case taking into consideration of the gravity and seriousness of the offence.

Hence, the petitioner is permitted to file an application under Section 205 Cr.P.C. and on filing such application, the learned Magistrate is directed to decide the application within a week from the date of filing of such application by following the principle laid down by the Apex Court in **M/S. Bhaskar Industries Ltd vs M/S. Bhiwani Denim & Apparels Ltd**¹.

With the above direction, the criminal petition is disposed of.

Miscellaneous petitions, if any, pending in this criminal petition shall stand closed.

M. SATYANARAYANA MURTHY, J

Date:06.06.2018
BV

¹ (2001) 7 SCC 401